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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

CONE, D

ART UNIT

PAPER NUMBER

2854

DATE MAILED:

07/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

# Office Action Summary

Application No.  
**09/376,651**

Applicant(s)

**Aoyama**

Examiner

**Darius N. Cone**

Group Art Unit  
**2854**



☒ Responsive to communication(s) filed on Apr 24, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Falco et al (US patent #5,088,848).

With respect to claims 1, 2 & 10 De Falco et al. teaches a roller (59) contacting a record medium, a shaft portion (Fig. 3) supported in a bracket (60). De Falco also teaches a feed assistance roller (55, Fig. 3) rotatable and able to apply pressure on a record medium. The functional recitations set forth in the claims, for example claim 1, lines 6-8 of page 2 have not been given patentable weight because they are narrative in form. In order to be given patentable weight, a functional recitation must be supported by sufficient positively recited claim structure to warrant the presence of the functional language. It would have been obvious to one ordinary skilled in the art to use an idler roller, supported in a bracket along with a feed roller to assist in feeding a medium of a different size, stacked sheets or a print medium of different thicknesses.

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With respect to claims 3 & 12, De Falco teaches align roller (47 or Fig. 1) positioned vertically and align roller (59) positioned laterally (see De Falco, Figs 1 & 3).

With respect to claims 4 & 13, see feed rollers (55, 46) (De Falco, Fig. 1.).

With respect to claims 5 & 14, (see align roller (47) of De Falco, Fig. 1).

With respect to claims 6 & 15, De Falco teaches brackets (60) for align roller (59) and align roller (47) disposed in grooves of the brackets (see De Falco, Fig.3).

With respect to claims 7 & 16, (see De Falco, col. 2, lines 41-49).

With respect to claims 8 & 17, (see De Falco, col. 2, lines 49-65, Fig. 3).

With respect to claim 9 & 11, It would have been obvious choice to select any medium necessary for feeding or printing.

### ***Response to Arguments***

3. Applicant's arguments filed 4-24-00 have been fully considered but they are not persuasive. Applicant's arguments center around the align rollers or idler rollers being able rotate via a bracket against a record medium for feed assistance. Examiner believes the patent to De Falco teach the structure, a align roller able to rotate freely in contact with a feed roller for feed assistance. The align rollers help move and apply pressure along with the feed roll to the paper depending on the thickness. Examiner has examined the claims in their broadest limitation and believes the patent to De Falco discloses pertinent structure.

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*Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Darius Cone whose telephone number is (703) 308-1061. The examiner can normally be reached daily between the hours of 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten, can be reached on (703) 308-0719. The fax phone number for this Group is (703) 308-5841.

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Any inquire of a general nature or relating to the status of the application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DNC

July 3, 2000



JOHN S. HILTEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800